



PUBLIC NOTICE

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STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismissed on Reconsideration³

Joeten-Kiyu Public Library, MP, Application Nos. 171049471, 171049472, 171049473, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 21, 2017)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

Dismissed on Reconsideration - Untimely⁴

Diocese of Superior, WI, Application Nos. 161061788, 16101790, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2017)⁵

Granted⁶

Late-Filed FCC Form 471 Applications Filed Within 14 days of the Close of the Window⁷

Bishop Hogan Memorial School, MO, Application No. 171049037, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Late-Filed Request for Extension of Deadline to Use Self-Provisioned Network⁸

King George County Schools, VA, Application No. 161026283, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 30, 2017)

Waiver of Appeal Filing Deadline – USAC Error Resulted in Late-Filed Appeal⁹

York County School District 1, SC, Application No. 161014481, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2017)

⁴ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

⁵ Filed on behalf of St. Francis Solanus, No Application Number; St. Francis Xavier, No Application Number; St. Joseph, No Application Number; St. Mary, No Application Number; St. Anthony of Padua, No Application Number; St. Francis de Sales, Application No. 161061788; and St. Patrick, Application No. 161061790.

⁶ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁷ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

⁸ See *Request for Waiver by Jemez Pueblo Tribal Consortium; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 17-1179, at 4-6, paras. 7-11 (WCB Dec. 6, 2017), 2017 WL 6261543 (granting a waiver of the deadline to request an extension of the deadline to complete construction and use a self-provisioned network by the end of the funding year when the extension request would have been granted if it had been timely filed, the applicant made significant, good faith efforts to extend the implementation deadline, and there was no evidence of waste, fraud, or abuse).

⁹ See, e.g., *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners waivers of our filing deadline for appeals because their late-filed appeal would never have been necessary absent an error on the part of USAC). We remand this application to USAC for review. See *supra* note 6.

*Waiver of Appeal Filing Deadline – Appeal Submitted a Few Days Late*¹⁰

Iron County School District, UT, Application No. 171033333, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2017)

Denied

*Invoice Deadline Extension Requests*¹¹

Charlotte County Library, VA, Application No. 161059556, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2017)

Chickasaw Telecom, Inc. (Bartlesville School District), OK, Application No. 1025540, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2017)

Forestburg Independent School District, TX, Application No. 161017226, Request for Waiver, CC Docket No. 02-6 (filed Nov. 28, 2017)

Lincoln County School District, OR, Application No. 161045334, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2017)

River Bend Community School District 2, IL, Application No. 161031093, Request for Waiver, CC Docket No. 02-6 (filed Nov. 28, 2017)

Santa Rosa Consolidated School District, NM, Application No. 1045382, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2017)

University of New Hampshire – Department of Telecommunications (Crotched Mountain Center), NH, Application No. 161016159, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2017)

*Late-Filed FCC Form 471 Applications*¹²

Breckenridge Public Schools, MN, Application No. 171049778, Request for Waiver, CC Docket

¹⁰ See, e.g., *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits. See *supra* note 6.

¹¹ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

¹² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

No. 02-6 (filed Nov. 2, 2017)

Coffey County Library System, KS, Application No. 171011648, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2017)

Joseph Badger School District, OH, Application No. 171049721, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2017, supplemented Oct. 26, 2017)

Kootenai Technical Education Center, ID, Application No. 171049813, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Luxemburg-Casco School District, WI, Application Nos. 171049815, 171049816, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Osborn School District, MO, Application No. 171049712, Request for Waiver, CC Docket No. 02-6 (filed Oct. 17, 2017)

Pace School, PA, Application No. 171049824, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Santa Rosa Consolidated School District, NM, Application No. 161056872, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Tyler County Schools, WV, Application No. 171019206, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2017)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at kate.dumouchel@fcc.gov or (202) 418-1839.

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